

SUMMARY OF THE OFFICE ACTION

1) Claims 60-68 (all of the claims in the Application) have been rejected under the Judicially Created Doctrine of Obviousness-Type Double patenting over Claims 1-51 of U.S. Patent No. 6,651,982 and claims 1-69 of U.S. Patent No. 6,651,981.

2) Claims 60 and 65 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,250,632 (Albrecht).

3) Claims 67 and 68 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,000,453 (Stevens).

4) Claim 61 has been rejected under 35 U.S.C. 103(a) as unpatentable over Albrecht (above) in view of Stevens (above).

5) Claim 66 has been rejected under 35 USC 103(a) as unpatentable over Albrecht (above) in view of U.S. Patent No.5,199,710 (Lamle)

RESPONSE TO THE REJECTIONS

1) Claims 60-68 (all of the claims in the Application) have been rejected under the Judicially Created Doctrine of Obviousness-Type Double patenting over Claims 1-51 of U.S. Patent No. 6,651,982 and claims 1-69 of U.S. Patent No. 6,651,981.

Accompanying this response is a terminal disclaimer with respect to both U.S. Patent No. 6,651,981 and U.S. Patent No. 6,651,982. This rejection has been overcome by this filing.

2) Claims 60 and 65 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,250,632 (Albrecht).

As the rejection does not specify portion of the Albrecht reference where limitations are purported to be taught, Attorney for Applicants will attempt to review the limitations, one-by-one and find the closest disclosure of Albrecht relating to claim limitations:

Claim 60 of Application	Albrecht Disclosure	Comments
An automatic card shuffler comprising:	"Automatic Card Sorter" (Title). If shuffle 130 was selected..." (col. 11, lines 21-22). "The present invention satisfies the aforementioned needs by providing an automatic card sorter that either provides a shuffled stack with a predetermined random sequence..." (Col. 2, lines 30-34)	
<u>a housing capable of being mounted into a gaming table surface such that a card receiver for accepting a group of cards to be shuffled is recessed beneath the top surface of the gaming table;</u>	No Material Disclosure	"Thus, a single device is provided that is compact, can be mounted on a gaming table, and requires little operator skill or training. To operate, the operator simply places a stack of cards in a deck holding area, through which the cards are presented to the card reader (or read heads), inputs the number of decks in the stack, and selects the desired predetermined sequence. The tray and card feed mechanism are enclosed thereby shielding the entire sort from the view of the players and dealer. Thus, the present invention provides a single

		device and process capable of sorting into a random, new, game play, or other predetermined sequence that, in the preferred embodiment, is fast and free of annoying sounds or vibrations." The highlighted text clearly implies that the sorter is above the table surface, not mounted "into" the surface.
a card receiver for accepting a group of cards to be shuffled;	"...deck holding area 24." (col. 6, lines 6-7)	
a randomizing system for randomizing the order of an initial set of playing cards;	The present invention satisfies the aforementioned needs by providing an automatic card sorter that either provides a shuffled stack with a predetermined random sequence or sorts a stack into a new, game play, or other user-defined predetermined sequence. (Col. 2, lines 30-34)	
a collection surface for receiving randomized cards;	A card feed mechanism 34 moves the bottom card 22' of said plurality of game cards 22 into an appropriate slot 32." (col. 6, lines 28-30).	This describes insertion of cards into one of a multiple number of slots, not a single card-receiving collection surface.
an elevator for raising the collection surface to an elevation proximate the gaming table surface; and	"The tray 30 is caused to align by a tray positioning mechanism 48 to receive the bottom card 22'..." (col. 6, lines 24-26)	This is an elevator-type system.
a microprocessor for controlling the operation of the card shuffler.	"The automatic card sorter of the present invention includes at least one card reader for reading the characters on the face of a game card. From the input from the card reader, the controller, typically a microprocessor in conjunction with appropriate software and hardware..." (col. 2, lines 43-52)	

The disclosure of Albrecht fails to show mounting into the gaming table as recited in claim 60.

An analysis of claim 65 shows similar deficiencies in the teachings of Albrecht that prevent it from providing a supportable teaching under 35 U.S.C. 102(b).

Claim 65	Albrecht Disclosure	Comments
An automatic card shuffler,	"Automatic Card Sorter"	

comprising:	(Title). If shuffle 130 was selected..." (col. 11, lines 21-22). "The present invention satisfies the aforementioned needs by providing an automatic card sorter that either provides a shuffled stack with a predetermined random sequence..." (Col. 2, lines 30-34)	
a card randomization mechanism;	The present invention satisfies the aforementioned needs by providing an automatic card sorter that either provides a shuffled stack with a predetermined random sequence or sorts a stack into a new, game play, or other user-defined predetermined sequence. (Col. 2, lines 30-34)	
a processor for determining operational functions of the card randomization mechanism and issuing commands;	Once the closest slot 32 of the tray 30 has been moved across from the opening 65, the controller 100, by the microprocessor 112, activates 151 through the output buffer 116 the roller motor 63 of the card feed mechanism 34. (col. 12, lines 20-24)	
at least one encoder for verifying operational functions of the card randomization mechanism, wherein	No disclosure of an encoder, and more importantly no encoder for "verifying operational functions of the card randomization mechanism."	Albrecht verifies cards by reading their values. Albrecht does not verify the mechanism operation.
the processor verifies that cards have been randomized by comparing commands to encoder information to verify the operation of the card randomization mechanism.	Albrecht verifies specific card sequences. "If fewer or more than a certain suit or rank are found, the controller alerts the operator through appropriate output devices that the stack has been subjected to tampering thus verifying the integrity of the deck and eliminating one of the favorite methods of card cheats." (col. 3, line 65 – col. 4, line 2)	Only cards and values are read to verify hand delivery and total deck content, not randomization.

Albrecht does not anticipate the limitations of this claim. The rejection should be withdrawn.

3) Claims 67 and 68 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,000,453 (Stevens).

Again, the rejection does not point out specific disclosure content in anticipating the limitations of claims 67-68. Those claims read:

67. An automatic card shuffler, comprising: [SHOWN]
a microprocessor; [SHOWN]
a card randomization mechanism; and [SHOWN]
a remote controller for controlling the card randomization mechanism by means of a user-manipulated remote control device.

The only disclosure of any remote communication arguably found in the Stevens disclosure is that:

"FIG. 5 shows a simplified schematic drawing for the system electronics for operating the card shuffling and cutting system of FIGS. 1a and 1b. The system electronics 600 is comprised of a central computer which may be of the lap-top type located remote from the system 10, one suitable computer being the Toshiba T1100-P. However, any computer utilizing the MOSDOS 3.2 operating system or higher is satisfactory for use in the electronic system of the present application. The computer 602 may be arranged beneath the dealing table. The computer 602 is provided with an RS 232 port and is electrically connected to four microprocessor-based intelligent controllers 606, 608, 610 and 612 which are linked with the computer 602 by an opto-isolating circuit 604. The microprocessor-based intelligent controllers 606-612 may, for example, be Semix RC 202 or RC 204 models and the link master circuit may be a Semix RC 002. However, any other suitable intelligent controllers and coupling means may be utilized. 24 volt power supplies 615 supplying 24 volts at 10-12 amps., power the system electronics.

"In a system of the present invention built for production, the electrical control system may preferably be converted to surface mount device technology for reducing the power handling section and the computer handling section to a fraction of its present size. The supervisory control computer 602 may also be integrated into the system so that it operates totally self-contained and without remote computer equipment and the complete control section may be located within the card handling section itself or the support stand which carries the equipment." (emphasis added)

As is shown in the specification of this Application, the term "remote-control" does not include the computer. Note the disclosure at page 33, lines 16-22 of the specification as filed:

"Although the dealer control panel and display in the above examples of the present invention are located on the card shuffler, the present invention contemplates user-operated remote controls, such as a foot pedal, an infra-red remote control, the input of commands from a remote keyboard in the pit or other device initiated by a dealer or by management. Unlike the shuffler operation driven by software from a game computer, pit computer or central computer system, the shuffler of the present invention is controllable by an operator using remote equipment such as what is described above." (**emphasis added**)

68. The device of claim 67 wherein the remote controller is selected from the group consisting of an infra-red (I.R.) controller and a foot pedal.

Whether the Markush group renders the claim alternative or not, the limitation is not met by the teachings of Stevens et al.

4) Claim 61 has been rejected under 35 U.S.C. 103(a) as unpatentable over Albrecht (above) in view of Stevens (above).

The disclosure in Stevens regarding specific "covers" (as opposed to general statements that do not provide substantial descriptions of cover location, structure and content) is reproduced below:

"FIGS. 1a and 1b show perspective and simplified schematic views of the card shuffling and cutting system 10 of the present invention which is comprised of an elevator section 100, a card shuffling and cutting section 200, a drawbridge assembly 300 and a shoe delivery and card alignment assembly 400. Each of these assemblies or subsystems will be considered in conjunction with FIGS. 1a and 1b and with more detailed FIGS. 2a-4e. The electrical system is shown in FIG. 5 and identifies essentially all of the system electronics utilized to monitor and operate the system. The system, which is a ten axis card handling system is comprised of an aluminum frame or housing 12 principally including the rear vertical support wall 12a supporting the shuffling and cutting assembly, top wall 12b, vertical sidewalls 12c and 12d, substantially supporting and enclosing the elevator assembly 100, card shuffling and cutting assembly 200 and the drawbridge assembly 300. Vertical sidewalls 12e, 12e-1, 12f and front wall 12g enclose the card shoe assembly 500 and the shoe delivery and card aligning assembly 400. A rear closure plate 12a-1, parallel to wall 12a, covers the rear wall 12a and is joined to sidewalls 12c, 12d." (Col. 6, lines 4-26) and

"The cards to be shuffled and cut are placed upon a card receiving region CR shown in FIG. 2a which is located upon the surface of transparent cover 12h, which is provided with a recess 12h-1 for receiving playing cards. The playing

cards are laid upon the recess 12h-1 so that they are horizontally aligned, each card resting upon the card below. A pusher member 136 is slidable within elongated guide grooves G1 and G2 provided in transparent member 12h, as shown, for example, in FIGS. 2a and 4a. Projections 136a and 136b of pusher 136 extend into the respective guide grooves G1 and G2 for slidable movement therealong and to prevent a card or cards from sliding into the region between the bottom of pusher 136 and the top of cover 12h. A pin P integrally joined to projection 136b extends downwardly and carries a thin sensor arm SA which is movable between the arms of a pair of sensors S1 and S2 for sensing the position of the pusher 136 (note also FIG. 1b)." (col. 7, lines 7-25)

Claim 61 clearly recites that the moveable cover is "over" the other elements. The covers disclosed here by Stevens are vertical faces of the apparatus and are not over elements such as the card collection surface. The top panel of the Stevens et al. shuffler is fixed and not moveable. The rejection is in error and must be withdrawn.

5) Claim 66 has been rejected under 35 USC 103(a) as unpatentable over Albrecht (above) in view of U.S. Patent No. 5,199,710 (Lamle)

Lamle does not teach a shuffling mechanism below a table and does not move a shuffling mechanism from below a table to above a table. Lamle shows a printer that is located below a table. The printer prints cards on command and delivers the cards through a slot on the table. Even combining these teachings, the limitations of the claims are not shown and therefore are not obvious.

As only claims 60, 61, 65, 66, 67 and 68 were rejected on prior art, the removal of the Obviousness-Type Double patenting rejection indicates that claims 62-64 are allowable on the record.

REMARKS

Applicant respectfully requests that this amendment be entered into the record, that all rejection be removed and all claims should be allowed.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Mark A. Litman at (952) 832-9090.

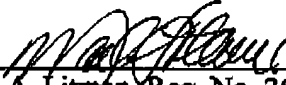
Respectfully submitted,

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Date: 19 January 2005

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I hereby certify that this paper is being transmitted by facsimile to the United States Patent and Trademark Office on the date shown below.


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19 January 2005
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